

REMARKS

Applicants have filed an RCE in this case in order to get newly found art on the record. While appeal seems inevitable, Applicants request that the Examiner reconsider the outstanding rejection and perhaps avoid appeal.

Each of the rejections maintained by the Examiner depend upon the combination of Younkes with Langford. Younkes seals a syringe filled with medicine with, in one embodiment, a semi-permeable membrane. Langford teaches a container for medical instruments. The Examiner opines that adding the membrane of Younkes to the container of Langford would be obvious to one of skill in the art as it would result “in the use of partial hermetic seal that insures sterility and allows air to be expelled to the outside.” Why would this be desirable? The proper way to view the references is what they would teach to one of skill in the art standing by themselves, without the disclosure of the present invention. Why would Langford wish to expel air to the outside? Applicants maintain that Langford would not, and that instead the motivation for making the combination comes improperly from Applicants’ own specification.

Moreover, even if the references were combined the alleged combination would fail to reach the claimed invention. Younkes removes the seal prior to attaching the syringe. If applied to Langford it would be removed prior to attaching the container to the system. The present claims define the seal as being present during sterilization.

Applicants submit that the application is presently in condition for allowance and request favorable reconsideration and reexamination. If it would speed prosecution, the Examiner is encouraged to contact the undersigned attorney by telephone.

Respectfully submitted,

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